

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:11-cr-133

v.

HON. JANET T. NEFF

JOSE DE-JESUS-JJ REYES,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Jose De-Jesus-JJ Reyes has filed a motion for modification or reduction of sentence (Dkt 782) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. Probation has filed a Sentence Modification Report (Dkt 74) finding the defendant eligible for the reduction. The parties stipulated (Dkt 76) to the retroactive application of the sentencing amendment and requests the Court to amend the sentence to a term of custody of “time served as of November 1, 2015.” All other aspects of the original judgment order including the length of term of supervised release, all conditions of supervision, fines, restitution, and special assessment remain as previously imposed.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 74) and the Stipulation on Reduction of Sentence (Dkt 76), the Court has determined that the defendant is entitled to a reduction of sentence pursuant to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 782) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced to a term of custody of time served with an effective date of November 1, 2015.

IT IS FURTHER ORDERED that all other aspects of the original judgment order including the length of term of supervised release, all conditions of supervision, fines, restitution, and special assessment remain as previously imposed.

DATED: May 14, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge